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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,810	04/21/2000	H. Donald Wilson	WILSONLESSAC	6936

545 7590 07/16/2002

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EXAMINER
AZAD, ABUL K

ART UNIT	PAPER NUMBER
2654	12

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/553,810	WILSON ET AL.	
	Examiner	Art Unit	
	ABUL K. AZAD	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on April 15, 2002.

2. Claims 1-7 and 9-27 are pending in this action. Claims 1, 7, 12, 14 and 19 have been amended. Claims 8 have been canceled. Claims 20-27 have been newly added.

3. The applicant filed a Terminal Disclaimer on April 15, 2002; based on the terminal disclaimer the Double patenting rejection set forth in the previous action has been withdrawn.

4. The applicant's arguments with respect to claims 1-7 and 9-19 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-6, 12, 19-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Minematsu (US 6,249,763).

As per claim 1, Minematsu teaches, "a method of speech recognition using a microphone to receive audible sounds input by a user into a computing device . . . audible sounds corresponding to mispronunciations associated with known mispronounced words and phrases," comprising the steps of:

"receiving said audible sounds in the form of electrical output of said microphone" (col. 8, lines 31-39);

"converting said electrical output corresponding to a particular audible sound into a digital representation of said particular audible sound" (col. 8, lines 31-39);

"comparing said digital representation of said particular audible sound to said digital representations of said known audible sounds to determine which said known audible sounds is most likely to be the particular audible sound being compared to the sounds in said database" (col. 2, line 65 to col. 4. line 59);

"outputting as a speech recognition output the alphanumeric representations associated with said audible sound most likely to be said particular audio sound" (col. 20, line 65 to col. 21, line 23);

"receiving an error indicating from said user indicating that there is an error in recognition." (col. 8, lines 4-6; reads on "the monitor display a GUI image for operation and text data which computer unit obtained by recognizing the speech to a user in the output device" is inherent to indicating an error by the user);

"receiving from said user an indication of the proper alphanumeric representations of said particular audible sound" (col. 10, lines 9-44; reads on "an

operation on the monitor and receives operation which a user operates on the displayed GUI image using keyboard and the mouse");

"determining whether said error is a result of a known type or instance of mispronunciation" (col. 18, lines 53-63);

"in response to a determination of error corresponding to a known type or instance of mispronunciation, presenting an interactive training program from said computing device to said user to enable said user to correct such mispronunciation" (col. 6, lines 8-34).

As per claim 2, Minematsu teaches, "said interactive training program comprises playback of the properly pronounced sound from a database of recorded sound corresponding to proper pronunciations of said mispronounced words and phrases" (col. 20, lines 48-64).

As per claim 3, Minematsu teaches, "the user is given the option of receiving speech training or train the program to recognize the user's speech pattern." (col. 22, line 6-42;options are inherent, where Minematsu teaches, system training session and recognition/correction program for the user).

As per claim 4, Minematsu teaches, "said determination of whether said error is a result of known type or instance of mispronunciation . . . mispronounced words and phrases using a speech recognition engine" (col. 23, line 65 to col. 24, line 57).

As per claims 5 and 6, they are interpreted and thus rejected for the same reasons set forth above in the rejection of claims 3 and 4.

As per claims 12, 25 and 26, Minematsu teaches, "said user is presented with an interactive training program in response to the detection of repeated instances or a reliable single instance or pronunciation error" (col. 12, lines 1-58).

As per claims 19-23, they are interpreted and thus rejected for the same reasons set for in the rejection of claims 1-3.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 7 and 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minematsu (US 6,249,763) as applied to claim 1 and 22 above, and further in view of Bijl et al. (GB 2 323 693 A).

As per claim 7 and 27, Munematsu teaches all the limitations as set forth in the rejection of claim 1 but Minematsu does not teach, "the step of speaking and digitizing on a second computer said known audible sounds and transferring the same to said first computing device." However, Bijl (Abstract) has taught this feature. It would have been obvious to one of ordinary skill in the art at the time of the invention to use remote terminal so that one can easily control the voice recognition and correction from a remote location.

9. Claims 9, 10, 14, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minematsu (US 6,249,763) as applied to claims 1 and 14 above, and further in view of the applicant admitted prior art (Page 29).

As per claims 9, 10, 14, 15, 16 and 18, Minematsu does not teach, "said interactive program instructs the user using Lessac System techniques and/or sound of musical instrument." However, Lessac teaches above limitation (Page 29) as acknowledged by the applicant. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Lessac system so as to substantially improve the pronunciation.

10. Claims 11, 13, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minematsu as applied to claims 1, 14 and 23 above.

As per claim 11,13, 17, 19 and 24, Minematsu does not explicitly teach to perform the interactive training program based on user option to elect. It would have been obvious to one of the ordinary skill in the art at the time of the invention to give an option to the user whether he wants to learn the pronunciation or not so that the system will save time by not train a person who does not want to get training.

Response to Arguments

11. The applicant argues: "while, clearly, Minematsu deals with the problems associated with mispronunciations, it does so with a database built only using mispronounced speech. In contrast, in accordance with the present invention, as claimed in only some of the claims, a database of properly pronounced English is assembled using a speaker of proper English. Likewise, in accordance with the

invention, a database is generated in accordance with the present invention using a speaker or speakers who customarily mispronounce words".

The examiner does not see any difference between problem associate with mispronunciations and speaker or speakers who customarily mispronounced words because both are solved the same problem of mispronunciations.

12. The applicant argues: "it is clear that in the recognition of speech phonemes, a system which predicted on the proper pronunciation of finite number of phonemes which can be individually treated to deal with voice-related computer tasks, is easily accepted by the scientific community. In contrast, it is easy to understand the scientific prejudice against use of the Lessac system. This renders application of Lessac non-obvious".

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

13. The applicant further argues: "also in accordance with the present invention, a user is presented with an interactive training program in response to the detection of repeated instances or a reliable single instance of pronunciation error. This is not taught by Minematsu. In addition to the above, in accordance with the present invention, speech training is achieved in the course of speech to text recognition process. This is not taught by Minematsu".

The examiner notes that above limitation is taught by Minematsu at col. 6, lines 8-34; and col. 2, lines 12-39.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Marsha D. Banks-Harold**, can be reached at **(703) 305-4379.**

Any response to this action should be mailed to:

Commissioner for Patents

Washington, D.C. 20231

Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center's Customer Service Office whose telephone number is **(703) 306-0377.**

Abul K. Azad

July 15, 2002

DAVID D. KNEPPER
PRIMARY EXAMINER